

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Montaz Kennedy

Plaintiff

v

India Smith, John Doe,

Johnny Thomas, Ronald Black,

Herbert Morris

Defendant(s)

Case: 2:23-cv-13185
Assigned To : Drain, Gershwin A.
Referral Judge: Grand, David R.
Assign. Date : 12/14/2023
Description: COMP KENNEDY V.
SMITH, ET. AL (KB)

Jury Trial Requested

42 U.S.C. 1983

42 U.S.C. 1985

Complaint for Civil Case

The Parties to This Complain

A. The Plaintiff:

Montaz Kennedy

16475 Avon

Detroit, Michigan 48219

Wayne County

(313) 419-5578

Email: thelostboy28@yahoo.com

B. The Defendant(s):

Defendant No. 1

India Smith

Highland Park Police Corporal

Highland Park Police Department

Badge No. 553

14112 Woodward Ave.

Highland Park, Michigan 48203

Wayne County

Defendant No. 2

John Doe

Highland Park Police Officer

Highland Park Police Department

Badge No.

14112 Woodward Ave.

Highland Park, Michigan 48203

Wayne County

Defendant No. 3

Johnny Thomas

Highland Park Police Chief

Highland Park Police Department

14112 Woodward Ave.

Highland Park, Michigan 48203

Wayne County

Defendant No. 4

Ronald Black

Detroit Rescue Mission Ministries

150 Stimson

Detroit, Michigan 48201

Wayne County

Defendant No. 5

Herbert Morris

Operations Supervisor

Detroit Rescue Mission Ministries

150 Stimson

Detroit, Michigan 48201

Wayne County

or

Herbert Morris

Operations Supervisor

Detroit Rescue Mission Ministries

13220 Woodward Ave.

Highland Park, Michigan 48203

Wayne County

Jurisdiction is proper under 28 U.S.C. 1331

All defendants are sued under the color of law

All defendants are sued in their individual and official capacity

STATEMENT OF CLAIMS:

CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS/RETALIATION/ILLEGAL
DETAINMENT/INTENTIONAL INFLECTIONS OF EMOTIONAL DISTRESS/FAILURE TO
INTERVENE/RETALIATORY SUPPRESSION OF FREE SPEECH

- 1). That Plaintiff (Pl.) Montaz (Kennedy) did reside as a homeless guest at Detroit Rescue Mission Ministries (D.R.M.M.) at 13220 Woodward Ave., Highland Park, Michigan 48203 at all times relevant to this complaint.
- 2). That Defendant (Def.) Highland Park Police Corporal (H.P.P.C.) India (Smith) was employed with the Highland Park Police Department (H.P.P.D.) at all times relevant to this complaint.
- 3). That on October 19, 2022, Pl. Kennedy upon returning to the D.R.M.M. from the Burger King restaurant noticed one (1) of his fellow homeless residents of the D.R.M.M. making a complaint to H.P.P.C. Def. Smith and Highland Park Police Officer (H.P.P.O.) Def. John (Doe) while standing in front of the Pizza Restaurant on Woodward Ave. next door to the D.R.M.M.
- 4). That at that time Pl. Kennedy stopped in front of the restaurant way out of the area of control of H.P.P.C. Def. Smith and H.P.P.O. Def. Doe and observed the interaction between H.P.P.C. Def. Smith and H.P.P.O. Def. Doe with Pl. Kennedy's fellow D.R.M.M. homeless resident.
- 5). That after H.P.P.C. Def. Smith and H.P.P.O. Def. Doe finished speaking with Pl. Kennedy's fellow D.R.M.M. homeless resident. H.P.P.C. Def. Smith and H.P.P.O. Def. Doe entered their squad vehicles and drove off.
- 6). That after H.P.P.C. Def. Smith and H.P.P.O. Def. Doe left the area Pl. Kennedy noticed his fellow D.R.R.M. homeless resident walking down Woodward Ave. in the north direction with another man that Pl. Kennedy did not know.
- 7). That Pl. Kennedy called out to his fellow D.R.M.M. homeless resident and gestured to him that he wanted to speak with him.
- 8). That Pl. Kennedy and his fellow D.R.M.M. homeless resident met up on Woodward Ave. and Pl. Kennedy asked him what had happened and why H.P.P.C. Def. Smith asked him a particular question.

9). That while Pl. Kennedy and his fellow D.R.M.M. homeless resident was speaking with each other, H.P.P.C. Def. Smith pulled up on the side of the road in their squad vehicle by Pl. Kennedy and the fellow D.R.M.M. homeless resident facing the wrong way on Woodward Ave.

10). That while Pl. Kennedy and the fellow D.R.M.M. homeless resident were in mid conversation H.P.P.C. Def. Smith uninvited, interjected herself into the conversation between Pl. Kennedy and the fellow D.R.M.M. homeless resident from the seat of her squad vehicle.

11). That H.P.P.C. Def. Smith became belligerent while speaking with Pl. Kennedy and the fellow D.R.M.M. homeless resident.

12). That after Pl. Kennedy had gotten fed up with how H.P.P.C. Def. Smith was conducting themselves Pl. Kennedy told his fellow D.R.M.M. homeless resident "Get her name and badge number and I will show you what to do about her."

13). That upon Pl. Kennedy stating this to his fellow D.R.M.M. resident, Def. H.P.P.C. Smith rambled off their last name and badge number.

14). That Pl. Kennedy then asked H.P.P.C. Def. Smith their first name.

15). That H.P.P.C. Def. Smith refused to give Pl. Kennedy their first name.

16). That, once H.P.P.C. Def. Smith realize Pl. Kennedy was going to aid and assist the fellow D.R.M.M. homeless resident file, and file himself, a complaint on H.P.P.C. Def. Smith. H.P.P.C. Def. Smith drove their squad vehicle the wrong way down Woodward Ave. to the front of the D.R.M.M. homeless shelter.

17). That H.P.P.C. Def. Smith exited their vehicle and entered the D.R.M.M. homeless shelter.

18). That Pl. Kennedy also entered the homeless shelter behind H.P.P.C. Def. Smith.

19). That H.P.P.C. Def. Smith went straight to the D.R.M.M. main office and started demanding to know who Pl. was.

20). That upon hearing H.P.P.C. Def. Smith inquires of who Pl. Kennedy was, Pl. Kennedy stopped and gave H.P.P.C. Def. Smith, his first and last name and then continued to the day room area of the homeless shelter.

21). That H.P.P.C. Def. Smith met with Def. Herbert (Morris) prior to Def. Morris

having entered the day room, and conspired to and came to an agreement together that Def. Morris would retrieve Pl. Kennedy to stand before H.P.P.C. Def. Smith despite that Def. Morris was not told that Pl. Kennedy had done anything illegal by Def. H.P.P.C. Smith.

22). That while Pl. Kennedy was in the day room, D.R.M.M., at that time job title, Building Director, Def. Herbert (Morris) came into the day room and told Pl. Kennedy that he wanted him to come to his office.

23). That, between 4:00 p.m. to 5:00 p.m. when Pl. Kennedy and H.P.P.C. Def. Smith entered Def. Morris's office. H.P.P.C. Def. Smith started making spurious claims about Pl. Kennedy to Def. Morris, that Pl. Kennedy was intervening in a Police investigation which would have been illegal for Pl. Kennedy to have engaged in.

24). That H.P.P.C. Def. Smith made the spurious claims of illegal conduct about Pl. Kennedy to Def. Morris in an attempt to detrimentally affect Pl. Kennedy's residence at the homeless shelter, for the sole reason to get back at Pl. Kennedy for threatening to help his fellow homeless shelter resident file a complaint on them.

25). That Pl. Kennedy knowing if H.P.P.C. Def. Smith's spurious claims of illegal conduct were allowed to go uncontested that Pl. Kennedy would suffer irreparable harm from Def. Morris, strongly contested the nefarious lies H.P.P.C. Def. Smith was telling Def. Morris.

26). That once H.P.P.C. Def. Smith realized that Pl. Kennedy wouldn't stand around and let H.P.P.C. Def. Smith detrimentally harm him with false allegations of illegal conduct. Reached down to their side and pulled out their handcuffs with their right hand and held them up in front of Pl. Kennedy while stating, "At the end of the day."

27). That Pl. Kennedy looked at H.P.P.C. Def. Smith's chest area to be sure that their body camera was on to catch the entire incident.

28). That, when H.P.P.C. Def. Smith pulled the handcuffs out and stated what they said, Pl. Kennedy had a clear understanding that he was about to be arrested.

29). That Pl. Kennedy, as a direct result of H.P.P.C. Def. Smith pulling their handcuffs out on Pl. and making a verbal indication of imminent arrest, made no

move to leave Def. Morris's office and especially H.P.P.C. Def. Smith's presence.

30). That while H.P.P.C. Def. Smith was verbally abusing Pl. Kennedy, as well as threatening Pl. Kennedy with arrest. H.P.P.O. Def. John (Doe) entered Def. Morris's office and heard and saw the misconduct H.P.P.C. Def. Smith was engaging in against Pl. Kennedy.

31). That at no time while H.P.P.C. Def. Smith was engaged in the conduct of threatening Pl. Kennedy with unwarranted arrest did Def. H.P.P.O. Def. Doe discourage or otherwise stop H.P.P.C. Def. Smith from subjecting Pl. Kennedy to the unwarranted detainment he witnessed.

32). That, when H.P.P.O. Def. Doe entered Def. Morris's office Pl. Kennedy took a quick glance over to H.P.P.O. Def. Doe's chest to ensure himself that Def. Doe had his body camera on as required.

33). That H.P.P.C. Def. Smith met and conspired with Def. Morris prior to Def. Morris entering the day room to retrieve Pl., and came to an agreement that was actually carried out, that Def. Morris would retrieve Pl. Kennedy to stand before H.P.P.C. Def. Smith, despite that Def. Morris was not told that Pl. Kennedy had done anything illegal by H.P.P.C. Def. Smith and H.P.P.C. Def. Smith knew Pl. Kennedy had not engaged in any illegal conduct.

34). That Def. Morris had reviewed Pl. Kennedy's file done on Pl. at intake and was well aware that Pl. Kennedy suffered from a severe mental illness that caused him to be paranoid.

35). That Pl. Kennedy, as a direct result of Def. Morris and H.P.P.C. Def. Smith's collaborating together, coming to agreement and actually carrying out the subjecting Pl. Kennedy to unwarranted pulling their handcuffs out and using words to help support Pl. couldn't leave their presence all in response that Pl. Kennedy threatened to help and file himself a complaint on Def. H.P.P.C. Def. Smith lost sleep, didn't trust eating a lot of the food at the homeless shelter, and lived in fear of all the H.P.P. for the rest of his residence at the D.R.M.M. homeless shelter.

FAILURE TO SUPERVISE/INTENTIONALLY, DELIBERATELY AND KNOWINGLY
MAINTAINING A CUSTOM AND POLICY OF AN INADEQUATE TRAINING
PROGRAM/FAILURE TO HAVE PROPERLY SUPERVISED/CONSPIRACY TO COVER UP

CRIMINAL CONDUCT

36). That Highland Park Police Chief (H.P.P. Chief) Johnny (Thomas) has repeatedly failed to ensure not only H.P.P.C. Def. Smith and H.P.P.O. Def. Doe were properly trained during his tenure as Chief of Police. H.P.P.Chief Thomas has also failed to ensure the rest of the Highland Park Police Department (H.P.P.D.) were properly trained during his tenure as Chief of Police.

37). That, there have been numerous incidents in the past where the Highland Police, including H.P.P.C. Def. Smith and H.P.P.O. Def. Doe have engaged in illegal conduct against not only the citizens of Highland Park but also any other citizens of this Country who happened to be visiting that City in the form of illegal detainment, retaliation, illegal arrest, intimidation, covering up illegal misconduct,

38). That H.P.P. Chief Def. Thomas has been aware of the State Tort and Federal Constitutional violations that his H.P.P.O's have repeatedly engaged in with the Citizens in the City of Highland Park.

39). That H.P.P. Chief Def. Thomas has maintained an injurious custom and policy of encouragement for his officers to engage in illegal conduct, by allowing to go unchecked, his Highland Park Police Officers harming Citizens for incidents that don't even rise to the level of a misdemeanor offense. Especially when they are dealing with the homeless men and women of the streets, homeless shelters and similar institutions/programs that provide help to like people.

40). That, due to the injurious custom and policies of Def. Thomas in failing to have his officers properly trained and or supervised. Pl. Kennedy suffered fear and humiliation of having been illegally detained in Def. Morris's office and threatened with arrest by H.P.P.C. Def. Smith.

CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS/INTIMIDATION OF A WITNESS/ATTEMPT TO DESTROY EVIDENCE OF ILLEGAL CONDUCT/RETALIATION/INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

41). That on October 20, 2022, Pl. Kennedy spoke with the then D.R.M.M.,

Operating Supervisor, Ms. Adaline (Ramsey), and asked her to pull and hold the video footage for October 19, 2022, between 4:00 p.m. to 5:00 p.m. showing the outside front of the D.R.M.M., the inside near the staff's office door and the area showing going back to Def. Morris's office, as well as the entering of the office.

42). That Ms. Ramsey verbally told Pl. Kennedy at that time when he spoke with her that she would look into the matter.

43). That any authorization of having video footage pulled and held has to be first cleared by Def. Morris who at the time was the D.R.M.M. Building Director.

44). That on October 20, 2022, Pl. Kennedy walked into Robert B. Blackwell Municipal Building at 12050 Woodward Ave., Highland Park, Michigan 48203, and filed a Freedom of Information Act (F.O.I.A.) request dated October 20, 2022, with the City of Highland Park designated F.O.I.A. coordinator.

45). That after having trouble with the designated F.O.I.A. coordinator in filing Pl. Kennedy's October 20, 2022 request. Pl. Kennedy sent the designated F.O.I.A. coordinator a letter, by certified mail, dated October 21, 2022, demanding that Pl.'s request be processed.

46). That after not having received a response from Ms. Ramsey to Pl. Kennedy's verbal request to hold the video footage of October 19, 2022, between 4:00 p.m. to 5:00 p.m. Pl. Kennedy wrote out a request for the video footage dated October 24, 2022, addressed to Ms. Ramsey.

47). That Pl. Kennedy sent a copy of his October 24, 2022, written request addressed to Ms. Ramsey, also to Def. Morris, as well as other D.R.M.M. officials.

48). That on October 26, 2022, Pl. Kennedy received an email from the designated F.O.I.A. coordinator informing Pl. Kennedy that his October 20, 2022, F.O.I.A. submission had been processed and a response would be provided to it in ten (10) business days.

49). That Def. Morris between October 20, 2022 and October 26, 2022, contacted H.H.P.C. Def. Smith and informed Def. H.P.P.C. Smith that Pl. Kennedy was trying to secure the video for the date and time they were there and had engaged in the misconduct, that being October 19, 2022.

50). That on October 27, 2022, Def. Morris asked Pl. Kennedy to sit down at a

dining table inside the D.R.M.M. 13220 Woodward Ave. location to speak with him.

51). That while Def. Morris was speaking with Pl. Kennedy, Def. Ronald (Black), the Director of D.R.M.M. apartment program of some sort. Which is directly next door to the D.R.M.M. homeless shelter Pl. Kennedy resided, walked into the D.R.M.M. 13220 Woodward Ave. location where Pl. Kennedy resided, through the side door, while Pl. Kennedy was sitting at the dining table talking with Def. Morris, and blurted out loud in an intimidating manner, "Who is Montaz Kennedy?"

52). That's when Pl. Kennedy spoke up and said "I am."

53). That, when Def. Black seen and heard Pl. Kennedy acknowledge himself as the person Def. Black inquired of, Def. Black did not say one (1) more single word to Pl. Kennedy but instead while looking directly at Pl. Kennedy stated out loud so to ensure Pl. Kennedy heard him "It's Corporal Smith." and handed the phone to Def. Morris in front of Pl. Kennedy.

54). That Def. Morris retrieved the phone from Def. Black and started talking with H.P.P.C. Def. Smith, initially while sitting in front of Pl. Kennedy.

55). That very shortly after speaking with H.P.P.C. Def. Smith in front of Pl. Kennedy Def. Morris got up from the table where he was sitting with Pl. Kennedy walked out the side door of the D.R.M.M. homeless shelter while still talking on the phone to H.P.P.C. Def. Smith.

56). That although Pl. Kennedy did not know the exact time period Def. Morris was on the phone with H.P.P.C. Def. Smith. Pl. Kennedy does know that it was for a very significant period of time as the phone records to that particular cell phone def. Morris was utilizing will evidence.

57). That, when Def. Morris came back into the building, a little later, Pl. Kennedy inquired of Def. Morris what was H.P.P.C. Def. Smith calling him about Pl. Kennedy for.

58). That Def. Morris, without going into detail, informed Pl. Kennedy that H.P.P.C. Def. Smith was inquiring of Def. Morris about the October 19, 2022, video footage of themselves inside the D.R.M.M. during the time in question of this complaint.

59). That H.P.P.C. Def. Smith's only reason for calling Def. Morris about the

October 19, 2022, video footage, was to request that Def. Morris destroy the video evidence of that date and relevant time.

60). That prior to October 27, 2022, Pl. Kennedy sent the Director of Homeless Solutions, Ms. Terra (Linzner) an email dated October 20, 2022, informing her that he made a timely request for the October 19, 2022, video footage to be pulled and secured for Pl. Kennedy, of the D.R.M.M. staff.

61). That at sometime between October 20, 2022, and November 1, 2022, Def. Morris called Pl. Kennedy into his office and informed Pl. that per the D.R.M.M. administration down at the 150 Stimson street offices, the video footage of October 19, 2022, will be held for Pl. Kennedy but the only way it will be provided to Pl. Kennedy, is if Pl. Kennedy requested it in a Court proceeding.

62). That the mere fact that H.P.P.C. Def. Smith was comfortable enough to call Def. Morris with a request and plan to destroy the video footage of H.P.P.C. Def. Smith's illegal conduct inside the homeless shelter on Pl. Kennedy caused Pl. Kennedy to understand and worry more to an extent that his well being would always be in detriment with the Highland Park Police and especially with H.P.P.C. Def. Smith.

63). That while Def. Black was on the phone with H.P.P.C. Def. Smith, Def. Black conspired with H.P.P.C. Def. Smith by discussing and came to an agreement with them that he would intimidate Pl. Kennedy for H.P.P.C. Def. Smith to deter Pl. Kennedy from pursuing any complaints on H.P.P.C. Def. Smith.

64). That Pl. Kennedy got the understanding from Def. Blacks conduct that Pl. was being intimidated in the manner of letting Pl. know that he can be touched and harmed by the H.P.P. at any time while Pl. Kennedy resided in the Oasis homeless shelter and by D.R.M.M. Oasis staff.

65). That the fear Pl. lived in, of the H.P.P. including H.P.P.C. Def. Smith was compounded due to Def(s). actions the entire time after October 20, 2022 and October 27, 2023, due to conduct of H.P.P.C. Def. Smith, Def. Morris and Def. Blacks.

66). That Pl. Kennedy lived in fear of the D.R.M.M. Oasis staff, Def. Morris and Def. Blacks, as well as all other staff at that location for the rest of Pl.'s stay at the Oasis homeless shelter.

67). That Pl. Kennedy became extremely paranoid and started becoming increasingly aggressive towards people who were trying to help him including family due to the lapse in his mental state as a result of what Def(s). had been subjecting him to.

CLAIMS FOR RELIEF:

COUNTS

1). That, the actions of H.P.P.C. Def. Smith and Def. Morris of having conspired and came to an agreement together which resulted in the carrying out of, that they were going to assist in and directly subject Pl. Kennedy to verbal and physical intimidation and illegal detainment for Pl. Kennedy speaking out about the mishandling of a police investigation and informing a citizen that he will show him how to make a complaint as well as make one himself on H.P.P.C. Def. Smith constituted retaliation in violation of the First Amendment to the United States Constitution.

2). That, the actions of H.P.P.C. Def. Smith and Def. Morris conspired together and came to an agreement together, which resulted in the carrying out of, that they were going to assist in and directly subject Pl. Kennedy to unwarranted detainment in the form of pulling handcuffs out in a confined space and holding them up to Pl. Kennedy's face while at the same time stating to Pl. Kennedy, "At the end of the day" in Def. Morris's office for Pl. Kennedy speaking out about the mishandling of a police investigation conducted by Def. H.P.P.C. Smith and Def. Doe and informing a private citizen that he will show him how to make a complaint on H.P.P.C. Def. Smith constituted illegal detainment in violation of the Fourth Amendment to the United States Constitution.

3). That, the actions of H.P.P.C. Def. Smith pulling their handcuffs out in the confined office and holding them up to Pl. Kennedy's face, while at the same time stating to Pl. Kennedy, "At the end of the day," making Pl. Kennedy, believe he was about to be arrested, constituted illegal detainment in violation of the Fourth Amendment to the United States Constitution.

4). That, the actions of H.P.P.C. Def. Smith in fabricating that Pl. Kennedy had

engaged in illegal conduct to Def. Morris, the Director of the homeless shelter, for the sole reason to detrimentally effect Pl. Kennedy's ability to continue to reside at the homeless shelter, due that Pl. Kennedy spoke out about the mishandling of a police investigation and informed a citizen that he will show him how to file a complaint and will file one himself on H.P.P.C. Def. Smith constituted retaliation in violation of the First Amendment to the United States Constitution.

5). That the actions of Def. Doe of walking in on H.P.P.C. Def. Smith illegally restraining Pl. Kennedy. And Def. Doe himself deliberately, intentionally and knowingly failing to deter or otherwise stop H.P.P.C. Def. Smith from engaging in the unwarranted restraint of Pl. Kennedy constituted collaboration in the illegal detainment in violation of the Fourth Amendment to the United States Constitution.

6). That, the actions of H.P.P.C. Def. Smith, Def Morris and Def. Blacks conspiring together, coming to an agreement and actually carrying out intimidating Pl. Kennedy in the form of H.P.P.C. Def. Smith calling Def. Blacks to agree to walk into the homeless shelter and while in Pl. Kennedy's presence, blurting out in an intimidating manner, "Who is Montaz Kennedy?" while saying it's "Corporal Smith" and at the same time handing the phone over to Def. Morris in front of Pl. Kennedy in part due to Pl. informing that he will help someone file a complaint on Def. Smith and for pursuing evidence to support Pl. Kennedy's complaint on Def. Smith constituted retaliation in violation of the First Amendment to the United States Constitution.

7). That the actions Def. Thomas intentionally, deliberately and knowingly maintained a custom and policy of an inadequate training program for all Highland Park Police, including Def. H.P.P.C Def. Smith and H.P.P.O. Def. Doe in the area of knowing the Constitutional restraints placed on them when it comes to refraining from: retaliation, illegal detainment, intimidation, illegal arrest, conspiring with private citizens to violate other private citizens Constitutional rights and covering up illegal misconduct constituted a denial of Substantive Due Process in violation of the Fourteenth Amendment to the United States Constitution.

RELIEF REQUESTED:

COMPENSATORY DAMAGES

1). Award compensatory damages jointly and severally against Def. Smith and Def. Morris for the loss of appetite, loss of sleep, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def(s). conspiring together, coming to an agreement and actually carrying out subjecting Pl. to retaliation in the form of, illegal detainment, illegal arrest and witness intimidation due to Pl. informing he would help someone file and file himself a complaint on Def. Smith.

2). Award compensatory damages jointly and severally against Def. Smith, Def. Morris and Def. Blacks for the loss of appetite, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def(s). conspiring together, coming to an agreement and actually carrying out subjecting Pl. to retaliation in the form of witness intimidation due to Pl. pursuing a complaint on Def. Smith.

3). Award compensatory damages jointly and severally against Def. Smith and Def. Morris for the loss of appetite, loss of sleep, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def(s). conspiring together, coming to an agreement and actually carrying out subjecting Pl. to illegal detainment and illegal arrest.

4). Award compensatory damages against Def. Smith for the loss of appetite, loss of sleep, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def. Smith subjecting Pl. to retaliation in the form of illegal detainment and illegal arrest.

5). Award compensatory damages against Def. Smith for the loss of appetite, loss of sleep, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def. Smith subjecting Pl. to retaliation in the form of intimidation of a witness.

6). Award compensatory damages against Def. Thomas for the loss of appetite, loss of sleep, loss of weight, increased paranoid mind state, fear and mental and emotional anguish Pl. suffered as a result of Def. Thomas intentionally, deliberately and knowingly maintaining a custom and policy of an inadequate training program, in the area of refraining from retaliatory acts, illegal detainment, illegal arrest and conspiring with private citizens to violate private citizens

Constitutional rights, for all Highland Park Police Officers, including H.P.P.C. Def. Smith and H.P.P.O. Def. Doe.

NOMINAL DAMAGES

- 1). Award nominal damages of \$1.00

PUNITIVE DAMAGES

- 1). Award punitive damages against Def. Smith, Def. Morris, Def. Thomas, Def. Doe and Def. Blacks.

C:File

Date: 12-14-2023

Respectfully Submitted,

Montaz Kennedy

Montaz Kennedy

16745 Avon

Detroit, Mich. 48219

(313) 419-5578

email: thelostboy28@yahoo.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Montaz Kennedy

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Per
16745 Avon
Detroit, Mich. 48214 Ph # (313) 419-5578

DEFENDANTS

India Smith

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HLA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

Constitutional violations

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

December 14, 2023

Montaz Kennedy

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____